UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 0 4 2011

REPLY TO THE ATTENTION OF:

E-19J

Johnny Gerbitz, Project Manager
Federal Highway Administration – Wisconsin Division
525 Junction Road, Suite 8000
Madison, WI 53717

Re: Comments on Final Environmental Impact Statement for USH 18/151 (Verona Road) from CTH PD to USH 12/14, and USH 12/14 from Whitney Way to Todd Drive, Dane County, Wisconsin -- EIS # 20110215

Dear Mr. Gerbitz:

The U.S. Environmental Protection Agency – Region 5 (EPA) has received the document listed above. We are providing our comments to you pursuant to our authorities under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act.

The Draft Environmental Impact Statement (DEIS) for this project was issued in 2004. The DEIS considered on-alignment concepts for three sub-areas in the project area, including the Verona Road corridor, the Beltline corridor and the Beltline crossings. EPA provided comments on the DEIS on May 25, 2004, with a rating of Environmental Concerns – Insufficient Information (EC-2). EPA's comments focused on mitigation for secondary land use impacts.

The Supplemental Draft Environmental Impact Statement (SDEIS) presents a preferred alternative that is a staged implementation of two of the alternatives presented in the DEIS. Stage 1 entails reconstructing the current Verona Road/Beltline diamond interchange into a single-point urban interchange and extending the six-lane Beltline section west through the Whitney Way interchange.

Under Stage 2, the intersection at County Road PD and Verona Road will be converted to a diamond interchange. Stage 3 will separate local traffic from metropolitan and regional traffic by providing a depressed freeway down the center of Verona Road and a free-flow interchange from Verona Road to the Beltline.

EPA provided comments on the SDEIS on October 20, 2010, with a rating of Lack of Objections (LO). EPA's comments focused on outreach to communities in the secondary impact area, storm water management, and air quality during construction. We continue to encourage the Federal Highway Administration (FHWA) to incorporate the following suggestions for storm water management and air quality in the Record of Decision (ROD).

EPA applauds FHWA for implementing additional storm water management infrastructure into the Final Environmental Impact Statement (FEIS). EPA concurs with FHWA's decision to expand storm water retention basins in both area and volume, in order to offset increased surface runoff from the project.

In addition to the creation of vegetated swales, EPA urges FHWA to consider utilizing vegetation that promotes phytoremediation in drainage areas that commonly transport an array of contaminants. EPA also encourages FHWA to utilize permeable pavement, where possible. While permeable pavement may not be suitable for highway use, its applicability for lower-traffic areas, such as bicycle and hiking routes, should be investigated.

In EPA's SDEIS comments, dated October 20, 2010, EPA recommended continued outreach to communities in the impact study area. FHWA and Wisconsin Department of Transportation (WisDOT) held numerous public meetings between February 2001 and April 2011, including two public meetings after EPA's October 20, 2010 SDEIS comment letter. FHWA has committed to continuing dialogue with residents in the affected neighborhoods. This effort addresses EPA's SDEIS comments.

The FEIS states the Greater Madison Area (GMA) is in attainment. EPA's Air Division Air Attainment Program, found at http://www.epa.gov/airtrends/pdfs/SO2%20Design%20Value%20Update%202009%20final.pdf, indicates the GMA is in non-attainment for Sulfur Dioxide (SO_2) as of June 9, 2010, due to "maintenance" designation status and incomplete National Ambient Air Quality Standards (NAAQS) monitoring results.

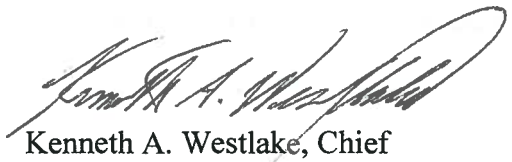
To ensure this project does not add to the existing SO_2 problem, EPA highly recommends FHWA consider implementing an anti-idle policy for construction vehicles. Other emission reduction and cost-saving tips can be found in the following EPA document titled *Potential for Reducing Greenhouse Gas Emissions in the Construction Sector*, located at the following link: http://www.epa.gov/sectors/pdf/construction-sector-report.pdf

Additional BMP suggestions for Air Quality (*Diesel Emissions Reductions During Construction*) are enclosed with this letter. These air quality mitigation measures for construction should be considered by FHWA to the maximum extent possible.

In summary, EPA encourages FHWA to commit to, in the ROD, enhanced storm water management and reduced construction vehicle air emissions during construction.

EPA is available to discuss these comments to the FEIS at your convenience. Please feel free to contact me at 312-886-2910 or Mike Sedlacek of my staff at 312-886-1765, or by email at sedlacek.michael@epa.gov, to discuss these comments.

Sincerely,



Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Cc: Joe Olson, Regional Director, Wisconsin Department of Transportation

Enclosures: NEPA Stormwater Green Sheet
Diesel Emissions Reductions During Construction

NEPA Stormwater Green Sheet

Stormwater section of NEPA documents should discuss/include (at a minimum):

- ✓ Compliance with NPDES construction and post-construction requirements (project larger than one acre has to comply by writing a pollution prevention plan)
- ✓ Compliance with local ordinances
- ✓ Compliance with the Energy Independence and Security Act of 2007

"Energy Independence and Security Act of 2007" Title IV ("Energy Savings in Building and Industry"), Subtitle C "(High Performance Federal Buildings"). Here is the entire provision:
SEC. 438. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS. The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.

This provision is quite significant. It will require Federal sites to achieve/maintain the predevelopment hydrology to the "maximum extent technically feasible". Sites will need to include things like rain gardens and permeable pavements in order to do this.

Stormwater measures beyond the bare minimum:

- ✓ Mimic natural hydrology. Does the project decrease the recharge of the upper aquifer system?
- ✓ Sensitive areas should be given treatment beyond the bare minimum
- ✓ Keep native vegetation during construction and replant ASAP
- ✓ What types of salt/chemicals are being used for deicing? Latest BMP's used for deicing? http://www.upperdesplainesriver.org/bbb_roadsalt.htm
- ✓ Sprawl is bad! Smart growth is good! Are there ways that the development can be implemented in a more compact area? www.epa.gov/ebtpages/pollsmartgrowth.html -select "pollution prevention programs" and "sustainability" for more info.
- ✓ Rain gardens, and permeable parking surfaces. Rain gardens and permeable parking surfaces increase the amount of water filtering into the ground and recharge aquifers, prevent community flooding and drainage problems, help protect waterbodies from pollutants carried by urban stormwater, and provide valuable wildlife habitat in an urban setting.
- ✓ Commitment to creating a Sustainable Buildings Implementation Plan (per Executive Order 13423) prior to construction.
- ✓ Green roofs, created wetlands,vegetated swales, native plant landscapes, and rain barrels
- ✓ Websites that can help with Stormwater Pollution Prevention and Sustainable Design:
  - ➢ Menu of stormwater BMP's: http://cfpub1.epa.gov/npdes/stormwater/menuofbmps/
  - ➢ Medium and small-sized model stormwater pollution prevention guides for construction sites: www.epa.gov/npdes/swpppguide
  - ➢ Green infrastructure practices (e.g. rain gardens): http://www.epa.gov/npdes/greeninfrastructure/
  - ➢ Some standards, including standards for individual sites: http://www.sustainablesites.org/
  - ➢ Standards for neighborhoods (LEED for Neighborhood Development): http://www.usgbc.org/DisplayPage.aspx?CMSPageID=148
  - ➢ Center for Watershed Protection: www.cwp.org
  - ➢ Low impact Development Center: www.lowimpactdevelopment.org

Diesel Emissions Reductions During Construction

Exposure to diesel exhaust by construction workers and those nearby a construction site can have serious health implications. For this reason, EPA recommends Best Available Diesel Retrofit Control Technology (BACT) on all significant construction projects. We believe this project is a significant construction project because of the size and duration of the project, the proximity to some residential areas, and the use of diesel equipment during construction.

Typically BACT requirements can be met through the retrofit of all diesel-powered equipment with diesel oxidation catalysts or diesel particulate filters, in addition to other strategies or technologies (for example, cleaner burning fuels or anti-idling policies). The statement below is reflective of a study EPA completed on diesel exhaust health effects:

> Long-term (i.e., chronic) inhalation exposure to diesel exhaust is likely to pose a lung cancer hazard to humans, as well as damage the lung in other ways depending on exposure. Diesel exhaust is listed as a human carcinogen by the State of California and a likely human carcinogen by EPA. Short-term (i.e., acute) exposures can cause irritation and inflammatory symptoms of a transient nature, these being highly variable across the population. The assessment also indicates that evidence for exacerbation of existing allergies and asthma symptoms is emerging. EPA recognizes that diesel exhaust, as a mixture of many constituents, also contributes to ambient concentrations of several criteria air pollutants including nitrogen oxides and fine particulates, as well as other air toxics.[1]

We recommend that the idling of all engines not exceed 5 minutes, and that proper enforcement is in place to ensure compliance. Shutting down gasoline and diesel vehicles and equipment when engine power is not required will reduce emissions of carbon monoxide, carbon dioxide, particulate matter, volatile organic compounds, oxides of nitrogen, and mobile source air toxics. These emissions can adversely affect local air quality, adversely affect human health through exposure, and can seep into nearby buildings and adversely affect indoor air quality.

These air quality mitigation measures for construction should be considered by FHWA. We recommend that FHWA formalize their actions for the Verona Road project by developing and implementing a construction emissions reduction plan. Although not

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[1] U.S. Environmental Protection Agency (EPA). (2002) Health assessment document for diesel engine exhaust. Prepared by the National Center for Environmental Assessment, Washington, DC, for the Office of Transportation and Air Quality; EPA/600/8-90/057F. Available from: National Technical Information Service, Springfield, VA; PB2002-107661, and <http://www.epa.gov/ncea>.

required by EPA regulations, similar contract specifications have been established for large construction projects, including the O'Hare Airport Modernization Project and the Dan Ryan highway project in Chicago. Residents near the project and the construction workers will benefit from exposure to less air pollution.

Options to include in such a plan include:

(a) retrofitting off-road construction equipment, including repower or engine upgrades,
(b) using ultra-low-sulfur fuels for all equipment,
(c) limiting the age of on-road vehicles in construction projects to 1998 and newer, and 1996 and newer for off-road equipment,
(d) fugitive dust control plans,
(e) diesel particulate traps and oxidation catalysts,
(f) using existing power sources or clean fuel generators rather than temporary power generators, and
(g) encouraging the use of off-road equipment that meets the Tier 3 standards.

EPA is available to assist in efforts to select mitigation strategies that would be included in the final project. EPA has developed a compendium of contract specifications and language to assist State DOTs and other proponents of construction projects. Please see the following link for the specifications and language: http://www.epa.gov/midwestcleandiesel/projects/index.html